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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/609,051	06/27/2003	David Konetski	016295.1384	6910

7550 04/08/2008
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EXAMINER

ISMAIL, SHAWKI SAIF

ART UNIT

PAPER NUMBER

2155

MAIL DATE

DELIVERY MODE

04/08/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/609,051

Applicant(s)

KONETSKI ET AL.

Examiner

SHAWKI S. ISMAIL

Art Unit

2155

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 27 December 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-946)
- 3) ☐ Information Disclosure Statement(s) (PTO/SG/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

RESPONSE TO AMENDMENT

1. This communication is responsive to the amendment received on December 27, 2007.
Claims 1, 8 and 18 have been amended.
Claims 1-25 are pending further examination.

Continued Examination Under 37 CFR 1.114 I.

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on December 27, 2007 has been entered.

The New Grounds of Rejection

3. Applicant's amendment and arguments received on December 27, 2007 have been fully considered, however they are deemed to be moot in view of the new grounds of rejection.

Claim Objections

4. Claims 1, 8 and 18 are objected to because of the following informalities: The claims recite "wherein the thin media client is not responsible for performing any pre-processing functions related to the data stream" The examiner believes that the term "any pre-processing" is open-ended and can constitute that the thin-client does not perform any pre-processing at all. However, those of ordinary skill in the art will understand that the thin-client must perform some sort of pre-processing related to the data stream in order to render the data stream for display. Therefore, the examiner suggest changing "any pre-processing" to "said pre-

processing” so that it is clear that the client does not perform the pre-processing that was performed by the data processing device.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-4, 6-9, 11, 13-21, and 23-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Chaddha et al.**, (referred hereinafter as Chaddha) U.S. Patent No. **6,173,317**.

Chaddha teach a system that relates to multimedia communications. More particularly, Chaddha teaches a system that relates to the synchronous delivery of annotated multimedia streams over a diverse computer network.

7. As to claim 8, Chaddha teaches a method for providing media content to a user associated with a thin media client, comprising the steps of:

receiving from the user a request for media content, the media content requested by the user comprising at least two instances of media content (col. 2, lines 38-47, client requests video/audio content);

retrieving the at least two instances of media content (col. 2, lines 26-36, video/audio and annotation streams are produced and by a capture module and an author module and then stored in the stream server);

pre-processing the at least two instances of media content to create a combined data stream of digital media (col. 6, lines 13-21, combining a compressed video audio data into one stream for delivery);

transmitting the combined data stream to the thin media client, wherein the combined data stream is operable to be rendered for display at the thin media client (col. 2, lines 62-67, rendering the stream for display on the client web browser); and

wherein rendering the combined data stream at the thin media client to provide the media content of the data stream to the user, wherein the thin media client is not responsible for performing any pre-processing functions related to the data stream (refer to Fig. 9 and col. 7, line 60—col. 8, line 2, most of the processing occurs prior to the stream being received at the web browser either at the producer or client module)

Although Chaddha teaches the claimed invention as described above it does not explicitly recite a thin media client. However according to applicant's specification a thin media client only perform the task of rendering a data stream provided from server and is not associated with any pre-processing and may be associated with or incorporated into a display or playback device. A thin-client is an application or system that accesses a remote service on another computer system known as a server by way of a network. Web browsers are clients that connect to web servers and retrieve web pages for display. According to the description provided in the applicant's disclosure and the definitions of thin-client and web browser, one of ordinary skill in the art would be reasonable in equating the claimed thin-media client to the Chaddha's web browser and plug-in module illustrated on Fig. 9 and discussed in col. 7, line 60 - col. 8, line 2.

The functionality of Chaddha's web browser and browser plug-in module perform the same functionality as the claimed thin media client specifically rendering a data stream provided from server and is not associated with any pre-processing and may be associated with or incorporated into a display or playback device and therefore meet the scope of the claimed thin media client.

8. As to claim 9, Chaddha teaches the method for providing media content to a user associated with a thin media client of claim 8, wherein the at least two instances of media content comprise at least two instances of digital video (col. 2, lines 38-47).

9. As to claim 11, Chaddha teaches the method for providing media content to a user associated with a thin media client of claim 8, wherein the at least two instances of media content comprise a digital video data stream having an audio component and an audio-only data stream (col. 6, lines 13-21).

10. As to claim 13, Chaddha teaches the method for providing media content to a user associated with a thin media client of claim 8, wherein the step of retrieving the at least two instances of media content comprises the step of retrieving at least one instance of media content from the Internet (Fig. 10b, col. 2, lines 26-36 and col. 5, lines 10-28).

11. As to claim 14, Chaddha teaches the method for providing media content to a user associated with a thin media client of claim 8, wherein the step of retrieving the at least two instances of media content comprises the step of retrieving at least one instance of media content from a media storage device (col. 5, lines 40-53).

12. As to claim 15, Chaddha teaches the method for providing media content to a user associated with a thin media client of claim 8, wherein the step of retrieving the at least two instances of media content comprises the step of retrieving at least one instance of media content from a home appliance (col. 5, lines 40-53).

13. As to claim 16, Chaddha teaches the method for providing media content to a user associated with a thin media client of claim 8, wherein the step of retrieving the at least two instances of media content comprises the step of retrieving at least one instance of media content from a video camera (col. 5, lines 40-53).

14. As to claim 17, Chaddha teaches the method for providing media content to a user associated with a thin media client of claim 10, wherein the source of at least one instance of the two instances of digital video is a video camera (col. 5, lines 40-53).

15. regarding claims 2 and 18, Chaddha teaches the claimed subject matter as discussed in details above. With regards to the claimed hub subject matter used in the instant invention to route the user's request and to deliver the responses to the user. One of ordinary skill in the art will recognize that in an internet communication environment such as that of Chaddha, it is important to have a device such as a hub, router or switch that routes communication between the client and server. Therefore, Chaddha's internet communication environment meets the scope of the claimed limitation as currently presented.

16. Claims 1-4, 6-7, 18-21 and 23-25 do not contain or define any new subject matter than that addressed above, therefore they are rejected under the same rationale.

17. *Claims 5, 10, and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chaddha et al., (referred hereinafter as Chaddha) U.S. Patent No. 6,173,317 in view of Smyth et al., (Hereinafter referred to as Smyth) U.S. Patent No. 7,007,098.*

Chaddha teaches the claimed invention as described invention, however Chaddha does not explicitly teach wherein the step of pre-processing comprises the step of combining the at least two instances of digital video into a combined data stream in picture-in-picture format.

Smyth teaches a method of controlling video signals in a multi-participant video conference which involves assessing the level of video signal required from each participant to mix the desired broadcast video signals, and using the result of this assessment to dynamically control the video output from the endpoints of the conference participants to handle multiple video streams, the MP may also choose a mixing strategy, where the mixing takes the form of combining the video streams from all participants into a "picture-in-picture" image, containing reduced images of all conference participants, and then transmitting this combined image to each endpoint, so that all participants may be viewed from each desktop (see abstract and col. 2, lines 8-17).

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to incorporate the teaching of Smyth into the invention of Chaddha in order to reduce the amount of images that are displayed at a client device.

18. *Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chaddha et al., (referred hereinafter as Chaddha) U.S. Patent No. 6,173,317 in view of "Official Notice".*

19. As to claim 12, Chaddha teaches combining a digital video data stream with an audio-only stream; however Chaddha does not explicitly indicate attenuating the audio component from the digital video stream.

"Official Notice "is taken that the techniques of attenuating are well known in the art and expected in the multimedia communication environment. It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to incorporate the techniques of attenuating the audio component from the digital video stream in order to allow an audio portion of the stream to be easily heard over other parts of the audio stream.

20. *EXAMINER NOTE: Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in its entirety as potentially teaching of all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.*

Response to Arguments

21. Applicant's arguments filed December 27, 2007 have been fully considered, however they are deemed to be moot in view of the new grounds of rejection. The examiner has attempted to respond to the examiner's concern and arguments in the body of the action.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shawki S. Ismail whose telephone number is 571-272-3985. The examiner can normally be reached on M-F 8:30 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached at 571-272-4006. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Shawki S Ismail/
Examiner, Art Unit 2155
March 30, 2008